

REMARKS

This Amendment is intended to fully respond to the Examiner's Office Action dated July 15, 2005, in which claims 1, 2, 5, 7-14 and 16-21 were rejected under the judicially-created doctrine of double patenting over claims 1-21 of U.S. Patent No. 6,598,060 (the '060 patent).

In this response, no claims have been canceled or added. Claims 7, 17, and 21 have been amended. These amendments are to improve the form of the claims and are not related to the patentability of the claims. Reconsideration and withdrawal of the outstanding rejections is respectfully requested based on the following remarks.

Rejection of Claims: Double Patenting

As noted, claims 1, 2, 5, 7-14 and 16-21 were rejected under the judicially-created doctrine of double patenting over claims 1-21 of the '060 patent. The Examiner has submitted both that the '060 patent fully discloses the subject matter claimed in the present application and that there was no reason why the Applicant was prevented from inserting the claims of the present application into the patent application which issued as the '060 patent. *See In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968).

The Applicant respectfully disagrees with the Examiner's rejection because the claims of the '060 patent and the claims of the present application are patentably distinct. Further, it is the Applicant's view that the claimed invention of the present application was not "fully" disclosed in the '060 patent. However, in the interest of expediting the allowance of this application, the Applicant has herewith filed a terminal disclaimer to patent '060. In view of this terminal disclaimer, reconsideration of the Examiner's rejections is respectfully requested.

Conclusion

This Amendment is fully responsive to all issues raised in the Office Action, and, as such, it is believed that all claims are in condition for allowance at this time. Allowance of all remaining claims is therefore respectfully requested. However, should any questions or concerns

Application No. 09/750,366

arise, the Examiner is invited to contact the undersigned attorney by telephone for the purpose of resolving such issues, if any.

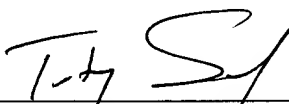
Further, we believe there are no further fees due. See 37 C.F.R. § 1.136(a).

Enclosed is our check in the amount of \$130.00 as payment of the fee for the Terminal Disclaimer submitted with this Response. It is believed that no further fees are due with this Response. However, the Commissioner is hereby authorized to charge any deficiencies or credit any overpayment with respect to this patent application to deposit account number 13-2725.

Respectfully submitted,

Dated: 10/17/05





Timothy B. Scull #42,137
MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903
303.357.1648